

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION NO.127 OF 1999.

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NARANBHAI BABUBHAI BHOSLE

Versus

STATE OF GUJARAT

Appearance:

MR M.B.AHUJA, for Petitioner

MR SA PANDYA APP for Respondent

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of Order: 19-2-99

ORAL JUDGMENT

Rule. Service of rule is waived by learned
A.G.P. Mr. S.A. Pandya for and on behalf the
respondent-State.

2. Learned counsel for the petitioner has stated at
the bar that now no grievance remains regarding

non-supplying of the F.S.L. papers and other documentary evidence and he will not make any grievance regarding the same before the court below and the said grievance has come to an end.

3. He has further stated at the bar that because of his personal inconvenience he could not proceed in the matter before the court below and for that if any inconvenience is caused to the witnesses, then he is ready to pay the cost to that effect and he has also requested to give some time because of illness of his wife. Therefore, considering the above facts and circumstances of the case, I pass the following order.

4. The petitioner is directed to pay Rs.1,200/(Rupees One Thousand Two Hundred Only) as cost to 12 witnesses who were remained present in the court below on 18-2-99 and the said amount is ordered to be deposited before the court below directly and the court below is at liberty to distribute the above amount to the witnesses who were remained present on that day.

5. Sessions Case No.270/98 is ordered to fix on 26-2-99 and if the said date is not convenient to the court below concerned, then the court below can fix any other date but not prior to 26-2-99 and learned counsel for the petitioner has given assurance to this court that he will proceed further in the matter on the next date i.e. on 26-2-99 and if possible he will complete the cross-examination of the prosecution witnesses and shall cooperate to the court to proceed further in the matter. In any event if the right of the accused to cross-examine the witnesses is closed, then the court below is directed to reopen the same. In view of the aforesaid directions, the order passed by the court below upon the application Exh.13 is hereby set aside.

6. Subject to the aforesaid directions, the petition is allowed. Rule made absolute to the aforesaid extent. D.S. permitted.

7. It is made clear that this order is passed in view of the special facts and circumstances of the case, and therefore, the same should not be treated as precedent.

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mithabhai